

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACOB DAVID LAMAR,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:21-cv-260-AWI-HBK

ORDER APPROVING PARTIES' JOINT
STIPULATION UNDER SENTENCE FOUR
OF 42 U.S.C. § 405(g) AND REVERSING
FINAL DECISION AND REMANDING
CASE

(Doc. No. 16)

ORDER TO TERMINATE ALL PENDING
MOTIONS AND DEADLINES

Pending before the Court is the parties' Stipulation for Remand filed January 4, 2022. (Doc. No. 16.) Plaintiff Jacob David Lamar and the Commissioner of Social Security jointly stipulate to remand this case for further administrative proceedings under sentence four of 42 U.S.C. § 405(g) and for judgment to be entered in Plaintiff's favor. (Id.)

The United States Supreme Court held that the Social Security Act permits remand in conjunction with a judgment either affirming, reversing, or modifying the Secretary's decision. See Melkonyan v. Sullivan, 501 U.S. 89, 97-98 (1991) (addressing issue of attorney's fees under the Equal Access to Justice Act and calculating deadline using date of final judgment). The Melkonyan Court recognized 42 U.S.C. § 405(g) contemplates only two types of remand – sentence four or sentence six. (Id. at 98.) A sentence four remand authorizes a court to enter "a

1 judgment affirming, modifying, or reversing the decision of the Secretary, with or without
2 resetting the cause for a rehearing.” (Id. at 98)(other citations omitted.))

3 Here, the parties’ stipulation and proposed order seeks remand under sentence four and
4 reversal of the Commissioner’s final decision. (Doc. 16 at 1-2.) The parties further stipulate that
5 the Administrative Law Judge will “reevaluate Plaintiff’s subjective complaints and the third-
6 party statements; proceed with the sequential evaluation process, as appropriate; and issue a new
7 decision.” (Id. at 2.)

8 Accordingly, it is **ORDERED**:

9 1. The Court APPROVES the parties’ Joint Stipulation (Doc. No. 16.)
10 2. The Commissioner of Social Security’s decision is REVERSED, judgment shall
11 be entered in favor of Plaintiff, and this case is REMANDED to the Commissioner of Social
12 Security for further proceedings consistent with the parties’ Joint Stipulation and this Order under
13 42 U.S.C. § 405(g), sentence four.

14 3. The Clerk is respectfully requested to terminate any pending motions/deadlines
15 and close this case.

16 IT IS SO ORDERED.

17 Dated: April 5, 2022



18 Shubin
19 SENIOR DISTRICT JUDGE

20
21
22
23
24
25
26
27
28